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DIGEST OF RECENT VIRGINIA DECISIONS.

Supreme Court of Appeals.

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals, except of such cases as are reported in full.

OSBORNE v. RICHMOND et al.

Sept. 22, 1921.

[108 S. E. 560.]

1. Descent and Distribution (§ 117*)—Evidence Held Sufficient to Show Payment of Consideration Recited in Deed.—On an issue, in a partition suit, as to whether land conveyed by a deed reciting a consideration "in hand paid, the receipt whereof is hereby acknowledged" was intended as an advancement constituting plaintiff's full share in the estate, evidence held sufficient to show that such consideration was actually paid; the recital being accepted as true unless overturned by clear proof.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 189, et seq.]

2. Descent and Distribution (§ 117*)—Evidence Held Insufficient to Show Inadequate Consideration for Lands Conveyed to Plaintiff.—On an issue in a partition suit as to whether land conveyed to plaintiff by deed reciting payment and receipt of a named pecuniary consideration constituted his full share of the estate, parol evidence, though admissible to show there was also the consideration of an advancement, held insufficient to show the amount paid was inadequate.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 189, et seq.]

3. Descent and Distribution (§ 117*)—Evidence Held to Show Conveyance Not Intended as Advancement.—In a partition suit, evidence held to show decedent intended deed conveying land to plaintiff as one for valuable consideration, and not as advancement or gift constituting plaintiff's full share of the estate.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 189, et seq.]

4. Descent and Distribution (§ 115*)—Gift to Child Presumed Advancement to Be Brought into Hotchpot.—Whether a gift to a child adapted to advance it in life is an advancement to be brought into

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

hotchpot depends on the parent's intention, and a free gift so adapted is prima facie presumed to be so designed.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 189, et seq.]

5. Descent and Distribution (§ 112*)—Value of Advancement Brought into Hotchpot Fixed as of Date of Gift, and Consideration Paid Deducted from Value of Land as of Date of Deed.—The value of an advancement brought into hotchpot must be fixed as of the date of the gift, not that of the partition, and a consideration actually paid must be deducted from the value of the land as of the date of the deed.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 189, et seq.]

Appeal from Circuit Court, Scott County.

Suit by G. W. Osborne against Ellen Richmond and others. Decree for defendants, and complainant appeals. Reversed and remanded.

STALLARD *v.* SUTHERLAND et al.

Sept. 22, 1921.

[108 S. E. 568.]

Infants (§ 56*)—No Relief from Contract Induced by Fraudulent Representations as to Age.—Where an infant fraudulently represents that he is of full age, and has the appearance of full age, and the other party is thereby induced to execute a contract, the infant will be estopped in equity by his own fraud to avoid the contract on the ground of infancy to the prejudice of the other contracting party.

Appeal from Circuit Court, Wise County.

Suit by Walter Stallard, by next friend, against G. B. Sutherland and others. Decree dismissing the bill, and plaintiff appeals. Affirmed.

ATWOOD *v.* HUFF.

Sept. 22, 1921.

[108 S. E. 562.]

1. Corporations (§ 152*)—Corporation Acting on Stockholders' Resolution Declaring Dividend Estopped to Deny Its Validity.—Where stockholders and directors by common consent concur in the manage-

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.